



POLICE DEPARTMENT

December 7, 2010

MEMORANDUM FOR: Police Commissioner

Re: Sergeant Roland Jerome  
Tax Registry No. 911971  
Intelligence Division – Criminal Intelligence Section  
Disciplinary Case No. 83715/08  
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The above-named member of the Department appeared before me on August 9, 2010, charged with the following:

1. Said Sergeant Roland Jerome, while assigned to the 70 Precinct, while on-duty, on or about August 22, 2006, at a location known to this Department, in Kings County, did wrongfully and without just cause fail to supervise other members of the service under his supervision to wit: said Sergeant failed to supervise the apprehension of individuals known to this Department during a SNEU operation pursuant to SNEU guidelines.

P.G. 202-17, Page 1, Paragraph 1 – PATROL SUPERVISOR-DUTIES AND RESPONSIBILITIES

2. Said Sergeant Roland Jerome, while assigned as indicated in Specification #1, while on-duty, on or about August 22, 2006, at a location known to this Department, in Kings County, did wrongfully and without just cause fail to properly supervise other members of the service under his supervision to wit: said Sergeant failed to supervise members of his SNEU team wherein said Members of Service were not in uniform as required pursuant to SNEU guidelines.

P.G. 202-17, Page 1, Paragraph 1 – PATROL SUPERVISOR-DUTIES AND RESPONSIBILITIES

3. Said Sergeant Roland Jerome, while assigned as indicated in Specification #1, while on-duty, on or about August 22, 2006, at a location known to this Department, in Kings County, did fail and neglect to be properly attired in his uniform while performing a SNEU operation as per SNEU guidelines.

P G 204-01 Page 1, Paragraph 5 – GENERAL UNIFORM REGULATIONS  
UNIFORMS AND EQUIPMENT

The Department was represented by Beth Douglas, Esq , Department Advocate's Office, and the Respondent was represented by John D Alessandro, Esq

Respondent, through his counsel, entered a plea of Not Guilty to Specification Nos 1 and 3, and pleaded Guilty to Specification No 2 A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review

DECISION

Respondent having pleaded Guilty to Specification No 2 is found Guilty of Specification No 2 Respondent is found Guilty of Specification Nos 1 and 3

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department called Sergeant (retired) Willie Wheeler and Sergeant Thomas Ritter as witnesses

Sergeant (retired) Willie Wheeler

Wheeler retired from the Department on May 31, 2010 after 18 years with the Department He was promoted to sergeant on February 24, 2006 and was assigned to the Internal Affairs Bureau (IAB) Group 54 in August 2006

On August 28, 2006, Wheeler became involved in an investigation into allegations that [on August 22, 2006,] Respondent failed to supervise his SNEU<sup>1</sup> team

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<sup>1</sup> Street Narcotics Enforcement Unit.

members Based on official Department interviews, Wheeler determined that on that day, Respondent observed two individuals making a hand-to-hand drug sale on [REDACTED], in the confines of the 70 Precinct At the time, Respondent was out of uniform in plainclothes Respondent observed these individuals while in a vehicle He parked the vehicle, walked back past the location and observed one individual remove alleged narcotics from his sock and conduct a hand-to-hand sale Respondent left the location and called a member of the SNEU team from his cell phone to tell him what he observed

According to Wheeler, Respondent walked away after making this observation because he did not want to "blow his cover" and went to another location approximately a block away on [REDACTED] to see if possibly other individuals were selling drugs in that area While at that location, Respondent observed RMPs<sup>2</sup> driving by with lights and sirens, and officers running in uniform He did not know what was going on because he had his radio off at the time When he realized what was happening, he followed the officers back to the original location, [REDACTED] That was when he observed "a situation" involving his SNEU team members where individuals were throwing plates and bottles at officers on the scene

Wheeler agreed that pursuant to this investigation, he substantiated allegations of misconduct against Respondent Wheeler substantiated that Respondent failed to supervise his SNEU team members because he was not actually on the scene to verify the arrests of the individuals, which is mandated by SNEU guidelines

Respondent indicated he was out of uniform on the date of the incident Based on Wheeler's investigation and SNEU procedure, Respondent was supposed to be in uniform at all times unless there was another supervisor working with him If there was

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<sup>2</sup> Radio motor patrol cars

another supervisor with him, he could have been out of uniform as an observation officer. Wheeler stated that members of the apprehension team must be in uniform and have their [nylon windbreaker] jackets on any time they make an apprehension.

During cross-examination, Wheeler agreed that he had "extensive experience with buy and bust operations," that he had worked undercover, and that he was "a street cop" for his entire 18 years. Wheeler agreed that he testified that Respondent walked away from the immediate area where the two individuals had been observed because he did not want to blow his cover. Wheeler agreed that is a common thing for an observation officer to do and that there are several reasons for that, including safety.

Wheeler acknowledged that in the course of his investigation he learned that within minutes of this situation "going bad," Respondent promptly returned to his team. He went back to the scene and supervised the operations of that scene from that point forward. He directed that everyone be brought back to the station house and complete all the proper paperwork.

Wheeler agreed that it is not practical that a supervisor be alongside his troops at every moment. Wheeler acknowledged that the serious charge of failure to supervise generally comes from a sergeant not being available for his men when they need him. Wheeler agreed that police work is unpredictable and narcotics is even more unpredictable.

Upon being asked to describe the situation, Wheeler stated Respondent observed the hand-to-hand drug sale and notified his team by cell phone. He parked his car and then walked back to verify that the individuals were still there. He then called his team and told them to move in, and he walked away from the area. Within minutes, "a riot"

was in effect Respondent immediately went back to the scene, less than a block away Upon being asked if, in his opinion, that constituted a failure to supervise, Respondent stated, "It's not my opinion it's the Department procedure if you are not at the scene to verify the arrest when it happens it's failure to supervise "

Wheeler admitted the procedure does not require a sergeant to be present when every arrest is made He also agreed that for that policy to be interpreted as just mentioned, the Department would require one sergeant for every police officer Wheeler agreed the Department cannot mean a supervisor has to be present when the arrest is made, it just means that the supervisor has to come back or respond and make sure that the arrest is proper

During redirect examination, Wheeler stated he is familiar with the SNEU guidelines, which are different from regular patrol guidelines There are certain SNEU supervisors When Wheeler substantiated the allegation that Respondent failed to supervise, it was based on Respondent being out of uniform and not present at the scene to verify the arrests Wheeler stated this was pursuant to " guide "

During recross-examination, Wheeler stated Respondent was in the vicinity of the arrest, but not at the location Wheeler agreed it is not always possible for the observation officer to remain exactly at the scene Sometimes for his safety and the good of the operation, he has to move off the set<sup>3</sup> Upon being asked if that meant they ceased to supervise, Wheeler stated, "No, but like I said again, these are the procedures that are in place at the time of the investigation, the SNEU procedures that we were following "

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<sup>3</sup> "Set" or "set up" location is where the police operation is established

Upon questioning by the Court, Wheeler stated that the arrests that were made at 50 Tennis Court were verified at the station house. As there was a riot going on, for the safety of the officers, Respondent pulled everybody out of the area and got them to the safety of the station house. Upon being asked if Respondent made the decision to take everyone to the station house, Wheeler stated it might have been a decision made by supervisors other than Respondent. Wheeler stated that according to the SNEU guidelines, a supervisor is supposed to be in uniform at all times. Observation officers can be in plainclothes, but supervisors are supposed to be in uniform. Wheeler stated that if there was another supervisor there, Respondent could have been in plainclothes as an observation officer.

During recross-examination, Wheeler agreed that it is confusing that the policy states that the sergeant has to be in uniform and the observation officers do not have to be in uniform. There is nothing that prohibits the sergeant from being an observation officer. Wheeler agreed that it is not only allowed for an observation officer to be out of uniform, it is the only way to do it, since an officer is not going to be able to observe too many drug transactions walking down the street in uniform.

Sergeant Thomas Ritter

Ritter has been a member of the Department for 24 years and was promoted to the rank of Sergeant in July of 1997. He has been assigned to the Patrol Services Bureau for approximately seven years. He conducts SNEU training, a three-day course which goes over the rules and regulations that pertain to conducting a SNEU operation.

Ritter stated Respondent received SNEU training on February 9, 2005, and

verified this on the Patrol Services Bureau Training Database, which is used to log members that receive the training [Department's Exhibit (DX) 1, printout from Patrol Services Bureau Training Database indicating Respondent's attendance]

Ritter stated that the course goes over the SNEU guidelines, the contents of the SNEU booklet and the duties and responsibilities of the members who will be assigned to the SNEU team. The SNEU manual is roughly 50 pages and all the attending members get a copy. The training goes on for seven hours, with a one-hour break for lunch, so that is essentially a full tour. Ritter agreed that on February 9, 2005, he reviewed the portion of the guidelines that pertain to supervision and accountability. Ritter went over what is required with regard to SNEU personnel and said at least one supervisor and six police officers or detectives must be present during a particular operation.

Ritter stated that during the training he went over the terminology of "OP" (observation point). An OP is the team member, or typically it is two team members, that are assigned to observe what is happening at a narcotics-prone location. These members typically dress in plainclothes so they can blend in with the environment and be able to relay information to the field team as to what is transpiring at the location. The guidelines that Ritter referenced during that training in 2005 are still in effect.

Upon being asked if a supervisor who is also the OP can ever be in plainclothes, Ritter mentioned that he could only think of one instance – if there was another uniformed supervisor there also conducting the operation. Per the SNEU guidelines, a uniformed supervisor must oversee the observation and be present at all arrest incidents. A supervisor has to be in uniform to preserve the safety of the officers that are there and the integrity of the operation. Ritter agreed that if there is only one supervisor on a team

on a given date, that supervisor cannot also then conduct an OP. Upon being asked if this is a loose rule, if a supervisor can choose whether he wants to be in or out of uniform, Ritter said it is not.

Ritter stated the SNEU guidelines pertaining to the members of the apprehension team require that they be in uniform. Ritter pointed out in the SNEU guidelines, there is a portion that is called, "Supervision and Accountability" (DX 2, revised 1/19/2005), where it states that all persons [in the apprehension team] will be in uniform and under direct supervision of an assigned uniformed supervisor. Ritter stated that the supervisor is to be present at the time of the arrest. Ritter explained that appearing five minutes after the arrest would not constitute being present.

Ritter explained that typically, the way the operation works is there is one supervisor and six officers. Two officers are designated as the apprehension team, two officers to make the observation and two officers to transport the prisoners. Once the OP relays that they have a drug sale, the supervisor will direct the officers to make the arrest. The supervisor is supposed to move with them simultaneously as they make that arrest. Ritter stated that a supervisor must be present because it preserves the integrity of the operation, which involves cash and drugs. Additionally, if things become volatile, the supervisor will be able to stop any unnecessary force that may occur at the time of the arrest.

Ritter stated the guidelines as they pertain to SNEU differ from narcotics buy and bust operations. Narcotics officers receive additional training, including plainclothes training, which allows them to utilize different tactics to help them make arrests.

During cross-examination, Ritter stated that the guidelines do not explicitly state



that a supervisor can only be the OP if another supervisor is working. If there was a situation that dictated that the supervisor was the best person to be the OP, Ritter agreed there is nothing in the guidelines that says the supervisor can be the OP only if another supervisor is working. The guidelines also do not say that the supervisor must move in simultaneously with the arrest team. Ritter stated that it does not say "simultaneous," and gave the instances of a supervisor getting stopped at a light or blocked by a car as examples of when a supervisor might not be at an arrest simultaneously. Ritter agreed that it is a good objective to have a uniformed supervisor present as an arrest is being made, but it is not always possible.

Ritter acknowledged that narcotics work, particularly when someone is either in an undercover capacity or an OP, requires a certain amount of discretion when it comes to making decisions to account for safety, and necessary adjustments have to be made. Ritter admitted that if a supervisor is in the OP capacity and makes the necessary adjustment to walk past the scene, that is okay. Ritter also agreed that if the supervisor discerns it is in the best interest of his men's safety, his safety, as well as the integrity of the operation to walk a half a block away, he has to be allowed that discretion. Ritter agreed that if something goes wrong during the arrest and the supervisor takes control of the situation that is what he is supposed to do. Upon being asked if he was familiar with the facts in this case, Ritter stated, "Not completely."

During redirect examination, Ritter stated if there was an incident where the supervisor walked off the location where he made the observation, it would not be permitted for that supervisor to be a block or two away while his team is moving in.

The Respondent's Case

The Respondent testified in his own behalf

Respondent

Respondent has been a member of the Department for nearly 17 years. He had been a narcotics undercover and investigator in the Organized Crime Control Bureau from May 1996 until his promotion to Sergeant in August 2003 and had made "countless amounts of buys" and was "responsible for countless arrests, tons of cases." Upon his promotion, he was assigned to the 70 Precinct, where after six months as a patrol supervisor, he became the SNEU sergeant. He has never been disciplined.

Respondent stated that at the time of this incident, August 2006, he had supervised "countless" arrests. At that point, he had been a SNEU sergeant for approximately two-and-a-half years and had supervised "thousands of arrests." In all those arrests, no one had even remotely suggested that Respondent failed to supervise his team.

When Respondent was first assigned to the SNEU team, there were no guidelines on how SNEU operations should be conducted. SNEU was done in plainclothes. The guidelines were put in place about a year after Respondent was a SNEU sergeant. Respondent agreed that it was fair to say that at times, he might deviate from the guidelines when safety was an issue.

Respondent stated his team normally did a tour that commenced at 6:00 p.m. However, on August 22, 2006, they were reassigned to do "a double" [tour], so they came in early. During their second tour, they were scheduled to assist in the execution of

a narcotics and gun search warrant. His team could have done administrative work for the first half of the double that day, which would have been okay with the Department. Respondent explained that had his team done administrative work, no police work would have been done for that tour.

Respondent stated that it was his decision that the team not be in uniform. He was trying to get them out as quickly as possible. Respondent stated that his team was carrying knapsacks, which included windbreakers and baseball caps that identify them as police officers in case something happened on the street. Respondent agreed the reason for this decision was to get more productivity out of his team. Respondent wanted to show that the SNEU team would have activity on both tours.

Respondent was at [REDACTED] Street, a building where many arrests had been made and which had been the subject of many complaints from the community. Respondent stated he had a plan before he left the command. "I told the guys which sets we were going to hit that day and what order we were going to hit them in." Respondent was driving an unmarked RMP up the block when he saw two men do a hand-to-hand drug transaction. Respondent then called a SNEU team member on his cell phone, gave him a description of the two men and told him to start moving in. Respondent stated that there were a lot of shootings, robberies and drug activity in the area. Respondent started walking toward 18 Street to the next set. He saw the van with his team members making its way up the block and he could still see the two individuals sitting there. They had not moved.

Earlier that day, the team had a meeting, where Respondent went over the sets they were going to do. Regarding the SNEU guidelines, Respondent stated it is not

always realistic to have one supervisor and six officers – “that’s great if you can actually do it according to the guideline but when you are not afforded the equipment these guidelines don’t work for you. A good SNEU team is a team that is willing to adapt to the environment they are in ”

Respondent agreed his superiors expected him to show activity in that area. He had made hundreds of arrests in that area, but he had never had a riot situation before. His intent was not to start a riot, nor was it the intention of his team. Respondent explained that cell phones are the preferred means of communication in these types of operations because one does not stick out talking on a cell phone “as compared to holding a big [police] radio ” The Department did not provide cell phones in the past, but they do now after many complaints from different SNEU supervisors and countless meetings that were held with various SNEU sergeants throughout the city. Respondent agreed that this process is evolving.

Respondent explained that [REDACTED] is one of the hardest areas as an OP to set up. He said, “Even if you are a male black you can’t stand on that corner for no obvious reason if you are not known from the neighborhood, it’s the kind of set where things shut down on you in a heartbeat. Even if you are in a car ” This set was worse than [REDACTED] where there were bodegas, stores and restaurants and one could stand there with no purpose and blend in with no problems. Respondent was trying to find a spot, but never got a chance to. Respondent stated that he was the best person suited to be the OP at that location because he was an undercover for four years. He made buys from that building, he made arrests from that building and he knew the area and the type of people that he was dealing with.

Respondent walked back to [REDACTED] and went back on [REDACTED]. He did not even have a chance to set up because by the time he was standing on the corner, he started hearing sirens. He did not have his radio on and his cell phone did not ring. Once he saw the RMPs with lights and sirens going to the same block he just left, he went right back to [REDACTED] where there was "an absolute riot going on." People were throwing things from windows and police officers were involved, trying to handcuff people. No more than five minutes had passed since the time he saw the van with his team in it coming down the street.

Respondent went back to the initial set and by this time uniformed and anticrime plainclothes personnel from the 70 Precinct were everywhere. Respondent took his shield out and threw it around his neck, trying to prevent other people from getting involved in the riot. Once he saw his men getting into the vehicle, he told everyone "let's just go." Respondent stated he made the decision to order everyone back to the command. He mentioned there were other supervisors there, including lieutenants and other sergeants.

When Respondent got back to the command, he discovered that four or five of his men were hurt and he got them medical attention. He also had two or three prisoners who were claiming injury. He assigned other officers to get them to the hospital. He got all the notifications made. With what he had left of the team, they still conducted the search warrant.

Respondent agreed that nowhere in the guidelines does it say that the only time a supervisor can be an OP is if another supervisor is working. Regarding Ritter's assertion that a supervisor has to arrive simultaneously for an arrest, Respondent stated that this is

not possible all the time. The Patrol Guide states that a supervisor has to be on the scene of every arrest, but that does not mean on the scene when the arrest is made. He explained that arrests are made every day by police officers in the Department with no supervisor present.

Respondent stated that throughout this entire operation from the minute he made the decision to send his officers into the field as opposed to putting them down as administrative, through the operation and back to the command, there was never a time when he was unavailable to his men. There was never a time when he was not supervising this operation.

During cross-examination, Respondent confirmed he received SNEU training in February 2005. This was when he first received the training pertaining to supervision and accountability. The incident on August 22, 2006 happened a year-and-a-half after he received his SNEU training.

Respondent mentioned that he was active with his team and there were many observations of narcotics that were taking place within the confines of the 70 Precinct [REDACTED] and the surrounding areas were considered part of the Impact Zone<sup>4</sup>.

Respondent stated that he was in uniform "the majority of the time" when another member of his team was doing OP. He agreed there were times that he was not in uniform. On August 22, 2006, his team was doing a double. No one on his team was in uniform on this particular date. Upon being asked about the windbreakers and baseball caps he mentioned earlier, Respondent agreed that those would be identifying items, but not a uniform.

Respondent stated that he made the observation in front of [REDACTED] and

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<sup>4</sup> High-crime area where large numbers of officers are deployed for enforcement and crime reduction.

then walked off to the other set. He said that the location was [REDACTED] between [REDACTED] and [REDACTED]. He stated that he was not at [REDACTED] and [REDACTED]. After he made the observation at [REDACTED], he could see his apprehension team moving in. They were coming from [REDACTED] or [REDACTED]. He did not see his team members exit the van. He could not physically see the location where his team moved in from where he was at the second set.

During an official Department interview conducted on November 30, 2007, Respondent stated he got into a position to start making observations at the second set. Respondent agreed that he had no intention of going back to the first set, and added that he was waiting for his team to let him know "if it was positive or negative." The only time he went back to the first set was when he saw the RMPs going to the location where his team was making the apprehensions.

When he got back to the first location, Respondent stated that there were prisoners in the van, but was not sure if the two individuals he observed in the hand-to-hand transaction were in the van. Everything was in chaos. Respondent saw trash being thrown out of windows and "people getting engaged in some hand-to-hand action."

Respondent stated that he had a Department-issued radio in his possession, however, he did not utilize it because he did not want to be easily identified as a member of the service. Respondent agreed that when he saw the RMPs and cars flying past him to the first location, he did not turn on his Department radio. He just returned to the observation. Moreover, he and other members of his team were not in uniform.

FINDINGS AND ANALYSISSpecification No. 2

Respondent stands charged herein that while on duty on or about August 22, 2006 at a location in Kings County he did wrongfully and without just cause fail to properly supervise other members of the service under his supervision, to wit said Sergeant failed to supervise members of his SNEU team wherein said members of service were not in uniform as required pursuant to SNEU guidelines. Respondent pleaded Guilty and is found Guilty. Respondent admitted during his testimony that he sent his team out in the field in plainclothes to get the "job done" on August 22, 2006. He explained that he did not feel that, in the sector that they covered, his subordinates could have efficiently performed their duties in uniform.

This action, however, was in contravention to the tenets of the SNEU guidelines which state that the SNEU team is supposed to be in uniform to preserve the safety and integrity of the operation. In this instance, however, when Respondent's subordinates attempted to make arrests and a melee ensued, there was no way to differentiate between the members of the police service and members of the public. The entire drug operation, including injured arrestees and injured police officers, had to be transported to the station house.

Accordingly, Respondent having pleaded Guilty is found Guilty of Specification No. 2.

Specification Nos. 1 and 3

Respondent stands charged herein that while on duty on or about August 22, 2006



at a location in Kings County, did wrongfully and without just cause fail to supervise other members of the service under his supervision to wit said Sergeant failed to supervise the apprehension of individuals known to this Department during a SNEU operation pursuant to SNEU guidelines, and Respondent did fail and neglect to be properly attired in his uniform while performing a SNEU operation as per SNEU guidelines Respondent is found Guilty as charged

Evidence adduced at trial established that at the time Respondent's subordinates moved in to effectuate the arrests of suspects, Respondent had moved away from the set and was seeking to set up another set Not to blow his plainclothes cover, Respondent turned off his Department radio which negated the possibility that his SNEU team could reach him for supervision, particularly in the event they effectuated arrests and needed him to verify them It was not until Respondent observed responding units from his command and he followed them to the location, that he realized that there was a large group protesting the arrests of two males being apprehended by his team Respondent saw his SNEU team leaving the scene with six persons under arrest

Respondent, a well experienced narcotics police officer, found himself in the position of being a SNEU sergeant While the demands are similar, the requirements and responsibilities are not the same That is why there is a separate training for SNEU officers in the Police Department For one, it is required that a SNEU sergeant be in uniform Although the requirements of the guide also state that the apprehension team has to be in uniform, there is some room for other members of the field team to not be in uniform For example, the OP officers do not have to be in uniform It is the belief of this Court that the OP officers are the ones blending in and getting closer to the scene and

as such, can operate without being in uniform. In addition, their function is to make observations on what the drug dealer is doing, i.e., where he stores his stash of drugs, for example.

The difficulty in this situation was where the Respondent, SNEU supervisor, took on the position of being OP. He then directed his team to close in and apprehend suspects, but Respondent, instead of supervising the arrest process, moved on to the next set, failed to maintain communication with his team and when a melee resulted, he was some distance away organizing another matter. He maintained anonymity similar to an undercover but was unable to immediately perform his supervisory functions as they became necessary. Respondent argued that he could be a block or so away from his team and still supervise. However in this instance, Respondent was blocks away from his team, could not observe them and took at least five minutes to return to where the team was and arrest action had already been completed by the team.

Respondent, as the SNEU supervisor, has a duty to oversee the operation of his team. When he directs his subordinates to get in position to make drug buys and apprehend suspects, he has to be present to oversee the arrests. In this instance, Respondent observed the hand-to-hand drug transaction, but then he walked off the set and communicated by cell phone to his team members to move in and make the arrest. It is difficult to do this if he is the OP who normally has the opportunity to walk off the set to maintain anonymity for safety and other reasons. It is true that Respondent, as supervisor, has to make judgment calls as to how the operation is to take place, but certain requirements are not subject to interpretation.

Wheeler of IAB Group 54 testified that Respondent could be the observation

officer provided he remained in uniform. However, Ritter of the Patrol Services Bureau who was the SNEU training coordinator testified that if there is only one supervisor of a SNEU team, that supervisor cannot be the OP. He further testified that the apprehension team must be in uniform since they are the ones who effectuate arrests and the supervisor is supposed to work with the apprehension team. Ritter stated that, in no uncertain terms, the SNEU guidelines do not allow a supervisor to be in plainclothes. Ritter elaborated that narcotics officers receive plainclothes training that SNEU officers do not receive. He further stated that a supervisor does make observations, but is not allowed to set up at another set while one set is operating.

In this instance, Respondent could not see the first set at [REDACTED] and [REDACTED] from his location at the second set. But for the melee, Respondent testified that he had no intention of returning to the first set and that is why he was setting up the next operation. In addition, Respondent testified that none of the subordinates on his team were in uniform.

Based on the above, Respondent is found Guilty of failing to supervise and failing to be properly attired in his uniform as per SNEU guidelines.

#### PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined, see *Matter of Pell v Board of Education*, 34 N Y 2d 222 (1974).

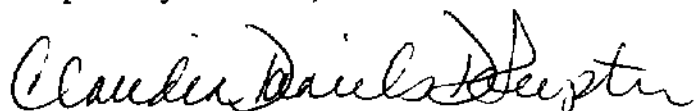
Respondent was appointed to the Department on February 28, 1994. Information from his personnel folder that was considered in making this penalty recommendation is contained in the attached confidential memorandum.

Respondent has pleaded Guilty to failing to supervise members of his SNEU team wherein said members were not in uniform as required pursuant to SNEU guidelines Respondent was found Guilty of failing to supervise the apprehension of individuals during a SNEU operation and failing to be properly attired while performing a SNEU operation pursuant to SNEU guidelines Respondent testified that in his opinion, his team could not operate to its maximum efficiency in uniform Thus Respondent had his entire field team in plainclothes on August 22, 2006 Respondent had a duty, however, as supervisor of the SNEU team to follow the mandates of the SNEU guidelines A melee ensued once the team attempted to make arrests, and no one in the SNEU team was in uniform, including Respondent.

The Assistant Department Advocate asked for a penalty of the forfeiture of 15 vacation days I agree In Disciplinary Case No 77799/02, an 11-year member of the Department with no prior disciplinary record forfeited 15 vacation days for failure to supervise and failing to obtain medical treatment for an injured person In that matter, Respondent (Respondent 4) and other members of his team (Respondents 1-3) had an encounter with a man during which he injured his head, and they did not request medical assistance The man was detained for 20 minutes and released Respondent in that matter was also found Guilty of failing to supervise his team

Accordingly, I recommend that Respondent forfeit 15 vacation days

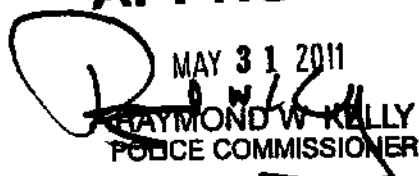
Respectfully submitted,



Claudia Daniels-DePeyster

Assistant Deputy Commissioner – Trials

**APPROVED**



MAY 31 2011  
RAYMOND W. KELLY  
POLICE COMMISSIONER


POLICE DEPARTMENT  
CITY OF NEW YORK

From Assistant Deputy Commissioner – Trials  
To Police Commissioner  
Subject CONFIDENTIAL MEMORANDUM  
SERGEANT ROLAND JEROME  
TAX REGISTRY NO 911971  
DISCIPLINARY CASE NO 83715/08

In 2007, Respondent received an overall rating of 4.0 "Highly Competent" on his annual performance evaluation. In 2008 and 2009, he received a rating of 4.5 "Above Highly Competent." Respondent has seven Excellent Police Duty medals in his career to date.

[REDACTED]  
[REDACTED] Respondent has no prior formal disciplinary record.

For your consideration

  
Claudia Daniels-DePeyster  
Assistant Deputy Commissioner – Trials